



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Maddock, Brian
TITLE : **CONTINUOUS EXTRUSION
USING DYNAMIC SHOE
POSITIONING**
APPLICATION NO. : 10/657,891
FILED : September 9, 2003
CONFIRMATION NO. : 2639
EXAMINER : Tolan, Edward Thomas
ART UNIT : 3725
LAST OFFICE ACTION : April 19, 2004
ATTORNEY DOCKET NO. : BKYZ 2 00070-1
Cleveland, OH 44114
October 15, 2004

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petitioner, Holten Machinery, a British corporation having a place of business at Albany House, Elliot Road, Bournemouth BH11 8JH Road, Great Britain, represents that it is the owner by assignment of one hundred percent (100%) interest in the above-identified patent application.

The chain of title is set forth in the documents enclosed herewith and/or which have been recorded in the Patent Office at reel and frame numbers: 010971/0257.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term defined in

10/21/2004 WBD/ELR1 00000106 10657891

110.00 DP
02 FC:1814

35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior United States Patent No. 6,634,415. Petitioner hereby agrees that any patent so granted on the above-identified patent application shall be enforceable only for and during such period that it and the prior patent(s) and/or any patent(s) granted on the pending patent application(s) are commonly owned. This agreement runs with any patent granted on the above-identified patent application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent(s) and/or any patent(s) granted on the pending application(s), as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a re-examination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned states that, to the best of petitioner's knowledge and belief, title is in the petitioner seeking to take this action.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization, and is empowered to act on behalf of the assignee, and declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



For any fee deficiency or overpayment in conjunction with the Terminal Disclaimer, the Commissioner is authorized to charge any fee which may be required, or credit any overpayments to Deposit Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

18 Oct 2004
Date

Jay F. Moldovanyi
Jay F. Moldovanyi
Reg. No. 29,678
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

Attorney of Record

Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Terminal Disclaimer is being

☐ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☒ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
☒ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
EV 471023938 US
Date
10 - 18 - 04

Signature
<u>Nancy Grams</u>
Printed Name
Nancy Grams

N:\BKYZ\200070\US\terminal disclaimer.doc